

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

RE: SUSPENSION OF COVID-19 HEALTH AND SAFETY PROTOCOLS

WHEREAS, on May 6, 2020, the Chief Justice of the Supreme Court of Appeals of West Virginia entered an order regarding COVID-19 Resumption of Operations (“Resumption of Operations Order”);

WHEREAS, on October 6, 2020, the Chief Justice of the Supreme Court of Appeals of West Virginia entered Amendment No. 1 to the May 6, 2020 Resumption of Operations Order;

WHEREAS, both orders adopted and incorporated by reference a number of COVID-19 protocols;

WHEREAS, the Court has continually monitored the status of the COVID-19 pandemic in West Virginia, and has adopted and applied the guidance from the Centers for Disease Control and Prevention (“CDC”) and the Governor of West Virginia when possible;

WHEREAS, Executive Order No. 20-21 terminated the state’s indoor face covering mandate on June 20, 2021, and Executive Order No. 12-21 lifted many of the capacity limitations for the purpose of social distancing; and

WHEREAS, as of the date of this Order, the active cases of COVID-19 in the State of West Virginia and the surrounding parts of the country have continued to significantly decline.

THEREFORE, it is ORDERED that the Court’s October 6, 2020 COVID-19 Health and Safety Protocols, and all subsequent guidance memorandum, are hereby suspended until further notice, except as follows:

1. Courts may continue to hold hearings and proceedings using remote technology where appropriate.
2. Courts should continue to avoid scheduling “call dockets” to reduce prolonged waiting periods in lobbies, common areas, and court rooms.
3. All COVID-19 Health and Safety Protocols regarding incarcerated individuals remain in effect due to the continuing distinction between COVID-19 concerns in the general population and in congregate settings, such as jails and prisons. Hearings involving incarcerated individuals should still utilize video conferencing to reduce the risk of a COVID-19 outbreak in a regional jail or corrections facility.
4. If a localized outbreak occurs, it may still be appropriate for the Chief Circuit Judge or Chief Family Court Judge to issue temporary orders in consultation with their

local health departments and with the Administrative Office regarding county-specific issues. Judicial officers are empowered to respond to local concerns, and may take additional steps that are reasonably necessary, such as mask mandates and reduced capacity in courtrooms.

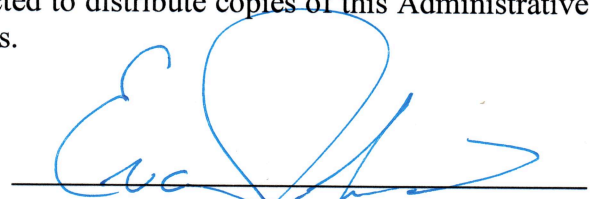
5. While this Order suspends the minimum standards previously adopted, each judicial officer may implement COVID-19 safety standards that are reasonably necessary to address specific health and safety concerns.

The Court will continue to monitor the status of the COVID-19 pandemic in West Virginia, and may, at any time, reinstate protocols if circumstances change.

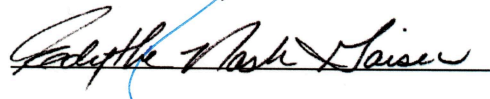
It is further ORDERED that this ORDER supersedes any local administrative order issued by a judicial official to the extent such order is inconsistent herewith.

The Administrative Director is hereby directed to distribute copies of this Administrative Order to all judicial officers and all court employees.

ENTERED: June 25, 2021



Evan H. Jenkins, Chief Justice



Edythe Nash Gaiser, Clerk of Court